

LAGOMARSINO LAW

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN DOE, a minor, by and through his natural
parent, Jane Doe,

Plaintiff,

vs.

JASON GATHING, an individual and BRIAN
BENITEZ, an individual,

Defendants.

CASE NO: 2:24-cv-01626-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(SECOND REQUEST)

IT IS HEREBY STIPULATED AND AGREED between the parties and their undersigned attorneys that the discovery cut-off date of June 30, 2025, be continued for a period of sixty (60) days from the Court's prior Order (ECF No. 26), for the purpose of allowing the parties to attempt to resolve the case without further litigation and, should that fail, complete written discovery, complete the depositions of the remaining parties, experts, and lay witnesses, and any other discovery the parties wish to conduct.

I. DISCOVERY COMPLETED TO DATE

The Parties have completed the following discovery to date:

- Disclosure of Documents:
 - All parties have served their Initial List of Witnesses and Documents Made Pursuant to FRCP 26(a)(1): Defendants served theirs on October 31, 2024, and Plaintiff served his on November 4, 2024.
 - Defendants Gathing and Benitez served their First Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP 26(a)(1) to Plaintiff on November 26, 2024.

- On December 18, 2024, Defendants Gathing and Benitez served their Second Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP 26(a)(1).
- Written Discovery:
 - On October 21, 2024, Plaintiff served his First Set of Requests for Admission, First Set of Requests for Production, and First Set of Interrogatories on Defendant Jason Gathing. Defendant Gathing served his responses on November 26, 2024.
 - Plaintiff served his First Set of Requests for Production to Defendant Brian Benitez on November 18, 2024. On November 20, 2024, Plaintiff served his First Set of Requests for Admission and First Set of Interrogatories to Defendant Brian Benitez. Defendant Benitez served his responses on December 18, 2024.
 - On November 18, 2024, Plaintiff served his Second Set of Requests for Production to Defendant Gathing. Defendant Gathing served his responses on December 18, 2024.
 - On January 24, 2025, Defendants served their first set of First Set of Requests for Admission, First Set of Requests for Production, and First Set of Interrogatories on Plaintiff. Plaintiff served his responses on March 5, 2025.
- Third-Party Subpoenas:
 - On October 22, 2024, Plaintiff served a Notice of Intent to Serve Subpoena *Duces Tecum* on the Custodian of Records for The Las Vegas Metropolitan Police Department and a Notice of Taking the Deposition of the Custodian of Records for the Las Vegas Metropolitan Police Department and Subpoena for November 6, 2024. Defendants provided the documents responsive to this subpoena.
 - On February 26, 2025, Plaintiff served a second Notice of Intent to Serve Subpoena *Duces Tecum* on the Custodian of Records for The Las Vegas Metropolitan Police Department and a Notice of Taking the Deposition of the Custodian of Records for the Las Vegas Metropolitan Police Department and Subpoena for March 14, 2025. Defendants have indicated that they will be providing the documents responsive to this subpoena.
- Depositions:
 - On November 21, 2024, Plaintiff served a Notice of Taking the Deposition of Jason Gathing. On January 6, 2025, Plaintiff served an amended Notice of Taking the Deposition of Jason Gathing. Defendant Gathing's deposition was completed on January 30, 2025.
 - On November 21, 2024, Plaintiff served Notice of Taking the Deposition of Brian Benitez. Defendant Benitez's deposition was completed on January 16, 2025.
 - On January 7, 2025, Defendants served a Notice of Depositions of Plaintiffs. Mr. Doe's deposition was completed on February 10, 2025.
 - On January 7, 2025, Defendants served a Notice of Depositions of Plaintiffs. Ms. Doe's deposition was completed on February 10, 2025.
 - On February 25, 2025, Plaintiff served a notice of deposition for Kreg Burnette, MD. Dr. Burnette's deposition was vacated on March 11, 2025 and will be rescheduled to another date.

- On February 25, 2025, Plaintiff served a notice of deposition for Marlon Mendoza, MD. Dr. Mendoza's deposition was completed on March 14, 2025.
- On February 25, 2025, Plaintiff served a notice of deposition for Benjamin Muir, MD. Dr. Muir's deposition was vacated on March 11, 2025 and will be rescheduled to another date.
- On February 25, 2025, Plaintiff served a notice of deposition for Sydney Phan, DO. Dr. Phan's deposition was vacated on March 12, 2025 and will be rescheduled to another date.

II. DISCOVERY YET TO BE COMPLETED

The Parties have yet to complete the following discovery:

- the depositions of fact witnesses;
- the depositions of Plaintiff's medical providers;
- subpoenas *duces tecum* and the depositions of third-party percipient witnesses;
- expert witness disclosures and expert witness depositions;
- additional written discovery which may include written discovery to one another and/or additional subpoenas to third parties; and
- Any additional discovery the parties wish to conduct.

The Parties reserve the right to conduct additional discovery that is permitted by the Federal Rules of Civil Procedure.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The Parties have been diligent in conducting discovery in this matter. Upon the completion of taking all named-party depositions, the Parties began to discuss early resolution of this matter and are hopeful that they can come to an agreement without further litigation. In order to save resources that could be used for the potential settlement of this matter, the Parties seek this extension, in part, to save costs on experts and depositions while negotiations are taking place. Additionally, Plaintiff's counsel has several upcoming depositions, dispositive motion deadlines, and expert disclosure deadlines in other cases that coincide with the upcoming deadlines herein. Given that the Parties may be able to settle this matter, it is more efficient to allocate time to those cases which are moving forward to trial.

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IV. PROPOSED EXTENDED DEADLINES

| | <u>Current</u> | <u>Proposed</u> |
|---|----------------|---|
| Discovery cut-off | 6/30/25 | Friday, August 29, 2025 |
| Deadline to amend pleadings and add parties | CLOSED | CLOSED |
| Deadline for initial expert disclosures | 4/30/25 | Monday, June 30, 2025 |
| Deadline for rebuttal expert disclosures | 6/2/25 | Wednesday, July 30, 2025 |
| Deadline to file dispositive motions | 7/29/25 | Monday, September 29, 2025 |
| Deadline to file pre-trial order | 8/28/25 | Wednesday, October 29, 2025 or 30 days after the dispositive motions have been decided. |

This request for an extension is made in good faith and joined by all the parties in this case. The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not delay this case. Since this request is a joint request, no party will be prejudiced. Furthermore, the extension will allow the parties the necessary time to complete discovery.

IT IS SO STIPULATED AND AGREED.DATED this 18th day of March, 2025.DATED this 18th day of March, 2025.**LAGOMARSINO LAW****MARQUIS AURBACH**

/s/ Taylor N. Jorgensen
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IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATED: March 19, 2025